

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

DAVID SMITH, a pseudonym,

Plaintiff,

v.

BROWN UNIVERSITY, et al.

Defendants.

C.A. No. 1:22-cv-00329-JJM-PAS

JOINT NOTICE REGARDING TRIAL

Plaintiff David Smith and Defendant Brown University (“Brown”) jointly state the following in compliance with the Court’s Trial Order entered on April 1, 2025, (ECF No. 156):

1. Estimated Total Trial Days

The parties estimate that it will take five (5) – eight (8) full trial days for the case to be tried, including jury selection, opening and closing statements, presentation of witnesses, and Rule 50 arguments.

2. Intended Trial Witnesses

Plaintiff anticipates 3-5 days for the presentation of his case and currently intends to call the following witnesses with approximate time estimates:

- Plaintiff (3-4 hours)
- Donna Davis (3-4 hours)
- Ebony Manning (2-3 hours)
- Jeana Horton (2-3 hours)
- Juana Parillon (1-2 hour)
- Alex Vidmar (1-2 hours)

- Undergraduate C (1-2 hours)
- Kim Pacelli (3-4 hours)
- Hanna Stotland (1 hour)
- Steve Shedlin (1 hour)
- Kristin Kucsma (1 hour)
- Kirsten Wolfe (30 mins – 1 hour)
- Tamar Katz (30 mins – 1 hour)
- Jane Roe (30 mins – 1 hour)
- Witness 1 (30 mins – 1 hour)
- Witness 2 (30 mins – 1 hour)
- Friend A (30 mins – 1 hour)

Brown anticipates 2-3 days for the presentation of its case and currently intends to call the following witnesses with approximate time estimates:

- Jeanna Horton (2-3 hours)
- Juana Parillon (1-3 hours)
- Ebony Manning (3 hours)
- Donna Davis (2-3 hours)
- Kirsten Wolfe (2-3 hours)
- Tamar Katz (1-2 hours)
- Alex Vidmar (1-2 hours)

3. Outstanding Issues

Plaintiff recently filed a Motion for Reconsideration or, in the Alternative, Motion for Certification for Interlocutory Appeal. In addition, the parties anticipate the filing of motions in

limine to address evidentiary issues and admissibility of proffered expert testimony. Each party will likely designate portions of videotaped and/or transcribed deposition testimony for use at trial, which will include the other party's counter-designations and require the Court's determination of any admissibility objections. Further, issues concerning the usage and protocols for pseudonyms at trial will require the parties' briefing of their respective positions and the Court's determination. The parties request that the Court set a schedule for the filing of such submissions and oppositions.

4. Efforts to Mediate

Before the recently completed summary judgment phase of this litigation, the parties did not engage in any efforts to mediate the case. Following the Court's entry of its Order dated April 1, 2025 (ECF No. 157) dismissing the Davis Defendants and defining of the triable claims in this litigation, counsel for Plaintiff and Brown have discussed the parties' submission of this matter to mediation, including a referral to Magistrate Judge Sullivan for a settlement conference, which the parties would like to schedule to occur as promptly as possible to ensure sufficient time to prepare for trial if such efforts are unsuccessful.

5. Availability for Trial

The parties conferred on their counsel's vacation schedules and previously set professional commitments and the most feasible time periods for the trial to occur factoring in the availability of witnesses and timing issues associated with the ending of Brown's current academic year in May and start of its next academic year in early September. Based upon the parties' careful consideration of all such scheduling concerns, Plaintiff and Brown respectfully suggest to the Court that the following dates are the best available weeks for the start of the trial before the end of December 2025:

- October 27, 2025;

- November 3, 2025; and
- November 10, 2025.

Counsel for Plaintiff and Brown are available to confer with the Court at its convenience to discuss any of the above-noted issues, including proposed scheduling of pre-trial submissions and the starting date of the trial.

DAVID SMITH

By His Attorneys,

/s/ Maria F. Deaton

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